

R590. Insurance, Administration. *(Effective 12-31-08)*

R590-249. Secondary Medical Condition Exclusion.

R590-249-1. Authority.

This rule is promulgated by the insurance commissioner pursuant to Subsection 31A-22-613.5.(3), authorizing the commissioner to adopt a rule to implement disclosure requirements and provide examples of coverage limitations or exclusions, including a secondary medical condition.

R590-249-2. Purpose and Scope.

The purpose of this rule is to establish examples of limitations or exclusions from coverage, including related secondary conditions. The examples provided in R590-249-4 are not all inclusive.

R590-249-3. General Instructions.

The insurer shall provide a clear written statement that discloses the policy limitations and exclusions, including related secondary medical conditions that are set forth in the policy:

- (1) upon application; and
- (2) when requested by the insured.

R590-249-4. Examples.

The following policy limitation or exclusion examples are not all inclusive:

- (1) charges in connection with reconstructive or plastic surgery that may have limited benefits, such as, a chemical peel that does not alleviate a functional impairment;
- (2) complications relating to services and supplies for, or in connection with, gastric or intestinal bypass, gastric stapling, or other similar surgical procedure to facilitate weight loss, or for, or in connection with, reversal or revision of such procedures, or any direct complications or consequences thereof;
- (3) complications by infection from a cosmetic procedure, except in cases of reconstructive surgery:
 - (a) when the service is incidental to or follows a surgery resulting from trauma, infection or other diseases of the involved part; or
 - (b) related to a congenital disease or anomaly of a covered dependent child that has resulted in functional defect;
- (4) complications relating to services, supplies or drugs which have not yet been approved by the United States Food and Drug Administration (FDA) or which are used for purposes other than the FDA-approved purpose; or
- (5) complications that result from an injury or illness resulting from active participation in illegal activities.

R590-249-5. Penalties.

Any insurer found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to the penalties as provided under Section 31A-2-308.

R590-249-6. Enforcement Date.

The commissioner will begin enforcing this rule July 1, 2009.

R590-249-7. Severability.

If any provision or portion of this rule or the application of it to any person, company or circumstance is for any reason held to be invalid, the remainder of the rule or the applicability of the provision to other persons, companies, or circumstances shall not be affected.

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